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## INFORMATION NOTE

### **Comparison between the Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members adopted by the Legislative Council of the Hong Kong Special Administrative Region and Codes of Conduct adopted by Selected Overseas Legislatures**

1.1 This information note presents a comparison table summarizing the key contents of the Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members of the Legislative Council (LegCo) of the Hong Kong Special Administrative Region in their capacity as such issued by the Committee on Members' Interests of LegCo and the codes of conduct adopted by selected overseas legislatures, namely the Code of Conduct for Members of Parliament issued by the House of Commons of the United Kingdom (UK) Parliament, the Code of Official Conduct issued by the House of Representatives of Congress of the United States (US), and the Conflict of Interest Code for Members of the House of Commons issued by the Parliament of Canada.

1.2 The comparison is made in the following aspects:

- (a) purpose, scope and effect;
- (b) guiding principles/general standards;
- (c) registration of interests and acceptance of bribes, gifts or other benefits;
- (d) ways to handle pecuniary interest in parliamentary proceedings and use of information relating to parliamentary duties; and
- (e) use of the status of a Member, use of stationery relating to legislature, and use of allowances.

**Table 1 – Purpose, scope and effect**

Codes/Guidelines	Purpose	Scope	Effect
LegCo's Advisory Guidelines	The Guidelines do not have a provision on this subject.	The Guidelines apply to matters of ethics in relation to the conduct of Members in their capacity as such.	The Guidelines are advisory in nature.
The UK's Code of Conduct	The Code aims to assist Members in discharging their obligations to the House, their constituents and the public at large.	The Code applies to Members in all aspects of their public life, but does not seek to regulate what Members do in their purely private and personal lives.	The Code is binding on Members.
The US's Code of Official Conduct	The Code does not have a provision on this subject.	The Code applies not only to Members but also to Delegate, Resident Commissioners, officers and employees of the House.	The Code is binding on Members, Delegates, Resident Commissioners, officers and employees of the House.
Canada's Conflict of Interest Code	<p>The Code aims to:</p> <ul style="list-style-type: none"> <li>(a) maintain and enhance public confidence and trust in the integrity of Members;</li> <li>(b) demonstrate to the public that Members are held to standards that place public interest ahead of their private interests;</li> <li>(c) provide for greater certainty and guidance for Members in how to reconcile their private interests with their public duties and functions; and</li> <li>(d) foster consensus among Members by establishing common standards and providing the means by which questions relating to proper conduct may be answered by an independent, non-partisan adviser.</li> </ul>	The Code only applies to conflicts of interests of Members when carrying out the duties and functions of their office as Members, including Members who are ministers or parliamentary secretaries.	The Code is binding on Members.

**Table 2 – Guiding principles/General standards**

Codes/Guidelines	Guiding principles/General standards
LegCo's Advisory Guidelines	<p>A Member should:</p> <ul style="list-style-type: none"> <li>(a) ensure that his conduct must not be such as to bring discredit upon LegCo;</li> <li>(b) conduct himself in such a way as not to place himself in a position which may be contrary to the generally assumed standard of conduct expected of a Member; and</li> <li>(c) adhere to the spirit and letter of any rules or regulations made by LegCo, its committees or subcommittees, or the President for the regulation of the practice and procedure of LegCo, its committees and subcommittees, or Members' behaviour in their conduct of the business of LegCo.</li> </ul>
The UK's Code of Conduct	<p>A Member:</p> <ul style="list-style-type: none"> <li>(a) has a duty to be faithful and bear true allegiance to the Queen, her heirs and successors;</li> <li>(b) has a duty to uphold the law and to act on all occasions in accordance with the public trust placed in him;</li> <li>(c) has a general duty to act in the interests of the nation as a whole; and a special duty to his constituents; and</li> <li>(d) observe the general principles of conduct, namely integrity, objectivity, accountability, openness, honesty and leadership.</li> </ul>
The US's Code of Official Conduct	<p>A Member, Delegate, Resident Commissioner, officer or employee of the House shall:</p> <ul style="list-style-type: none"> <li>(a) conduct himself at all times in a manner that reflects creditably on the House; and</li> <li>(b) adhere to the spirit and letter of House Rules and to the rules of committees of the House.</li> </ul>
Canada's Conflict of Interest Code	<p>Members are expected to:</p> <ul style="list-style-type: none"> <li>(a) serve public interest and represent constituents to the best of their abilities;</li> <li>(b) fulfil their public duties with honesty and uphold the highest standards so as to avoid real or apparent conflicts of interests;</li> <li>(c) perform their official duties and functions, and arrange their private affairs in a manner that bears the closest public scrutiny;</li> <li>(d) arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising; and</li> <li>(e) refuse to accept any gift or benefit connected with their position that might reasonably be seen to compromise their personal judgement or integrity.</li> </ul>

**Table 3 – Registration of interests and acceptance of bribes, gifts or other benefits**

Codes/Guidelines	Registration of interests	Acceptance of bribes, gifts or other benefits
LegCo's Advisory Guidelines	The Guidelines require Members to register particulars of registrable interests.	A Member shall register any payments or any material benefits or advantages received by the Member or his spouse arising out of his membership of LegCo from or on behalf of any government or organization of a place outside Hong Kong; or any person who is not a Hong Kong permanent resident.
The UK's Code of Conduct	The Code requires Members to fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Interests.	The acceptance by a Member of a bribe to influence his conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House or to any Committee of the House, is contrary to the law of Parliament.
The US's Code of Official of Conduct	This subject is covered by House Ethics Rules, not the Code.	A Member, Delegate, Resident Commissioner, officer or employee of the House should not accept gifts or an honorarium for a speech, a writing for publication or other similar activity, unless he fulfils some requirements.
Canada's Conflict of Interest Code	The Code does not set up a Register of Members' Interests, but requires Members to file disclosure statements with the Ethics Commissioner.	Neither a Member nor any member of his family should accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that is related to the Member's position. However, a Member or a member of his family may accept gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany the Member's position.

**Table 4 – Ways to handle pecuniary interest in parliamentary proceedings and use of information relating to parliamentary duties**

Codes/Guidelines	Ways to handle pecuniary interest in parliamentary proceedings	Use of information relating to parliamentary duties
LegCo's Advisory Guidelines	<p>(a) A Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest or speak on any such matter, except where he discloses the nature of that interest; and</p> <p>(b) A Member shall not vote upon any question, or shall withdraw when a vote is taken on a question, in which he has a direct pecuniary interest, unless his interest is in common with the rest of the population of Hong Kong or its sector, or his vote is given on a matter of government policy.</p>	<p>(a) A Member should not take advantage of, or benefit from, information that is obtained in his capacity as a Member and which is not generally available to the public; and</p> <p>(b) A Member should ask for information only about matters of public interest, and should not seek information for private or personal interest.</p>
The UK's Code of Conduct	Members should always draw attention to any relevant interest in any proceeding of the House or its committees; and no Member should act as a paid advocate in any proceeding of the House.	Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties; and such information must never be used for the purpose of financial gain.
The US's Code of Official Conduct	A Member, Delegate, Resident Commissioner, officer or employee of the House who has been convicted by a court of record for the commission of a crime for which a sentence of two or more years' imprisonment may be imposed should refrain from participation in the business of each committee of which he is a member.	A Member, Delegate, Resident Commissioner, officer or employee of the House should not disclose any classified information received in the course of his service with the House, except as authorized by the House or in accordance with its Rules.
Canada's Conflict of Interest Code	<p>(a) A Member, who has reasonable grounds to believe that he or his family member has a private interest that might be affected by a matter that is before the House or a committee of which the Member is a member, should disclose the general nature of the private interest at the first opportunity; and</p> <p>(b) A Member should not participate in debate on or vote on a question in which he has a private interest.</p>	<p>(a) A Member should not use information obtained in his position as a Member that is not generally available to the public to further his private interest or to improperly further another person's private interest; and</p> <p>(b) A Member should not communicate such information to another person if he knows that such information may be used to further his private interest or to improperly further another person's private interest.</p>

**Table 5 – Use of the status of a Member, use of stationery relating to legislature, and use of allowances**

Codes/Guidelines	Use of the status of a Member	Use of stationery relating to legislature	Use of allowances
LegCo's Advisory Guidelines	A Member should not, in his capacity as such, seek to influence another person to further the Member's private interest.	The Guidelines do not cover this subject.	A Member should not use any part of his Operating Expenses Reimbursement or District Office Allowance for purposes other than those in connection with the business of LegCo.
The UK's Code of Conduct	The Code does not cover this subject.	The Code does not cover this subject.	No improper use shall be made of any payment or allowance made to Members for public purposes, and the administrative rules which apply to such payments and allowances must be strictly observed.
The US's Code of Official Conduct	A Member, Delegate, Resident Commissioner, officer or employee of the House should not receive compensation or permit compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in Congress.	A Member, Delegate or Resident Commissioner should not allow an individual, group or organization not under the direction and control of the House to use the words "Congress of the United States", "House of Representatives" or "Official Business", or any combination of such words, on any letterhead or envelope.	A Member, Delegate, Resident Commissioner, officer of the House should not retain an employee who does not perform duties commensurate with the compensation the employee receives.
Canada's Conflict of Interest Code	A Member should not use his position as a Member to influence a decision of another person so as to further the Member's private interests or to improperly further another person's private interests.	The Code does not cover this subject.	The Code does not cover this subject.

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